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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,447	01/04/2006	Catherine Lamy	4590-473	8049
33308 7590 09/24/2009 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER ANWAR, MOHAMMAD S				
ART UNIT 2416		PAPER NUMBER		
MAIL DATE 09/24/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,447

Applicant(s)

LAMY ET AL.

Examiner

MOHAMMAD ANWAR

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicants' recited method is distinguished from Oliveri in that on page 8, lines 4-8, describes the solution as allowing exchange of information between the source decoder and the channel decoder in the presence of intermediate network layers without modification of these layers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. All rejections still hold.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9, 12-16, 21-22 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliveri et al. (U.S. PGPub. No. 2002/0012360).

For claim 9, Oliveri et al. disclose for a transmission of the information from the network access level to application package level, the method includes (see paragraph

38 lines 15-24) : generating a first stream of estimated original data at the network access level (see Figure 4 first block), and generating a second stream of quantized additional information at the network access level, and quantized additional information, (see Figure 4 second block with quantized additional data SSI) and transmitting the two streams thereafter to a header decompression step which generates packets containing reconstructed data and new packets containing the quantized additional information to be transmitted to the application package level, the new packets being adapted to a transmission over the network stack (see Figure 4 block 3, paragraph 38); and for a transmission of the information from the application package level to the network access level, the method includes (see paragraph 39 lines 2-3): generating a third stream of useful data packets with a compressed header at a header compression level on the basis of the packets including the useful data produced at the application package level (see paragraph 39 line 3, MPEG-4 encoder), generating a fourth stream of new and the packets with the compressed header at the header compression level on the basis of including the additional information produced at the application package level, said new packets being adapted to the transmission over the network stack (see paragraph 39 line 4, SSI header as additional data), and transmitting the third and fourth streams over a transmission channel (see paragraph 39 lines 23-27).

For claims 12, 13, 14, 24 and 25, Oliveri et al. disclose transmitting information flowing from the network access level to the application package level (see paragraph 38 lines 15-24) , comprising comprises the following steps: differentiating the packets originating from a protocol stack into a stream of initial packets and a stream of

additional information packets (see Figure 4 block 2 where initial packet with additional information SSI are differentiated, compressing the headers of the initial packets and transmitting them to a channel coding step, shaping the additional information by extracting some additional information for transmission to the channel coding step, and transmitting the stream generated by the channel coding for sending to the transmission channel (see Figure 5).

For claim 15, Oliveri et al. disclose wherein the decompression step comprises differentiating the packets originating from the transmission channel, reconstructing the original packets of data, and transmitting the additional information generated to the channel coder or to the channel decoder (see paragraph 39).

For claims 16 and 21, Oliveri et al. disclose wherein the decompression step comprises differentiating the packets originating from the transmission channel, reconstructing the original packets of data, generating additional packets containing the additional information and transmitting them to the application package level (see paragraph 39 lines 31-38).

For claim 22, Oliveri et al. disclose or a transmission of the information from an application package level to a network access level (see paragraph 38 lines 15-24) generating one stream of useful data packets with a compressed header at a header compression level on the basis of the packets including the useful data produced at the application package level (see paragraph 31 lines 1-10); generating another stream of new packets with the compressed header at the header compression level on the basis of additional information produced at the application package level (see paragraph 32

line 4-5, additional information, SSI header), those new packets being adapted to a transmission over the network stack; and transmitting the two streams thus sent over a transmission level (see paragraph 39 lines 23-27).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10, 11, 17-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliveri et al. in view of Tourunen et al. (U.S. PGPub. No. 2002/0001298 A1).

For claims 10, 11 and 23, Oliveri et al. disclose wherein for the transmission information flowing from the network access level to the application package level (see paragraph 38 lines 15-24), comprising includes the following steps: differentiating the information originating from the transmission channel or from the channel decoder into a stream of initial packets and a stream of previously quantized additional information (see Figure 4 Block 2), transmitting coded initial packets and the additional information to a header decompression step (See Figure 4 block 3) and transmitting the two streams thus obtained to a source coding step (see Figure 5 block 1). Oliveri et al. disclose all the subject matter but fails to mention shaping the quantized additional information as a function of the characteristics of a protocol stack. However, Tourunen et al. disclose shaping the quantized additional information as a function of the characteristics of a protocol stack (see paragraph 20 lines 1-5). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Tourunen et al. shaping scheme into Oliveri et al. coding and decoding scheme. The method can be implemented in a control signaling. The motivation of doing this is to provide bi-directional header compression (see paragraph 8 lines 1-5).

For claims 17 and 18, Oliveri et al. disclose wherein the decompression step comprises differentiating the packets originating from the transmission channel, reconstructing the original packets of data, and transmitting the additional information generated to the channel coder or to the channel decoder (see paragraph 39).

For claims 19 and 20, Oliveri et al. disclose wherein the decompression step comprises differentiating the packets originating from the transmission channel, reconstructing the original packets of data, generating additional packets containing the additional information and transmitting them to the application package level (see paragraph 39 lines 31-38).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MOHAMMAD ANWAR** whose telephone number is

(571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR
Examiner
Art Unit 2416

/M. A./
Examiner, Art Unit 2416

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2416